

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yu et al.

Docket No.: PF343P3C5

Application No.: 09/589,288

Confirmation No.: 1519

Filed: June 8, 2000

Art Unit: 1647

For: Methods of Inhibiting B Lymphocytes Using
Antibodies to Neutrokin-alpha (As Amended)

Examiner: B.E. Bunner

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Agent for Applicants hereby directs the Examiner's attention to references L1-L3 listed on the attached Form SB/08. Copies of non-U.S. patent references L1-L3 are enclosed.

Applicants are submitting references L1-L3 to inform the United States Patent and Trademark Office of the status of Opposition Proceedings in Europe against EP Patent No. 0 939 804 issued to Human Genome Sciences, Inc. EP Patent No. 0 939 804 is based off of International Patent Application No. PCT/US96/17957 to which the present application claims priority. EP Patent No. 0 939 804 was opposed by ZymoGenetics, Inc. (ZymoGenetics), Eli Lilly and Company (Lilly) and Serono International SA (Serono) on May 17, 2006. Reference L1, submitted herewith, is ZymoGenetic's Opposition to EP Patent No. 0 939 804 including supporting documents D1-D27. Reference L2, submitted herewith, is Serono's Opposition to EP Patent No. 0 939 804 including supporting documents D1-D17. Reference L3, submitted herewith, is Lilly's Opposition to EP Patent No. 0 939 804 including supporting documents D1-D16.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Pursuant to 37 C.F.R. § 1.704(d), the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. In particular, the listed references are oppositions to European Patent No. 0 939 804 each filed in the European Patent Office on May 17, 2006.

Pursuant to 37 C.F.R. § 1.97(b)(4), this Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. Accordingly, no fee is believed due. However, should the Patent Office determine otherwise, please charge such fee to our Deposit Account No. 08-3425.

Dated: June 9, 2006

Respectfully submitted,

By Michele Shannon
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known Application Number 09/589,288 Filing Date June 8, 2000 First Named Inventor Guo-Liang Yu Art Unit 1647 Examiner Name B.E. Bunner Attorney Docket Number PF343P3C5		
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	L1	ZymoGenetics' opposition of EP Patent No 0 939 804 including copies of supporting documents D1-D27. Filed in the European Patent Office on May 17, 2006.		
	L2	Serono International SA's opposition of EP Patent No 0 939 804 including copies of supporting documents D1-D17. Filed in the European Patent Office on May 17, 2006.		
	L3	Eli Lilly and Company's opposition of EP Patent No 0 939 804 including copies of supporting documents D1-D16. Filed in the European Patent Office on May 17, 2006.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered	
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